

Board of Agriculture Meeting  
March 18, 2005  
Reno, Nevada

**Board Members Present**

Benny Romero  
Marta Agee  
Harvey Barnes  
George Botta  
David Cassinelli  
Jim Johnson  
Alan Perazzo  
Susan Ray  
Deloyd Satterthwaite  
Lawrence Waugh

**Board Members Absent**

Dan Hettrick

Benny Romero, Chairman, called the meeting to order at 8:30 am. Board members and guests introduced themselves. Chairman Romero advised that agenda is full and comments should be limited to 5 minutes.

**BOARD BUSINESS**

**Introduction of Guests and New Staff**

Benny Romero turned the meeting over to Director Don Henderson for introductions of guests and new staff. Guests included members of the Future Farmers of America (FFA); Molly Hunsaker, Vice President, FFA and Jessie Vipham, State Historian and Ashlee Hachquet. New staff included: Mark Jensen, new State Director for the USDA Wildlife Services; Tisa Whitcomb, transferred from the Accounting Section to Administrative Assistant to John O'Brien; Doug Perry, Administrative Services Officer, replacing Rick Gimlin; Sandie Foley, Administrative Assistant IV, taking Jean Osborne's (retired) position; Dr. Dan Crowell, new veterinarian the Elko office. Each Board member was asked to introduce themselves.

**Approval of minutes**

The minutes of the last meeting were presented for approval.

**Harvey Barnes made a motion to approve the minutes as corrected. Deloyd Satterthwaite seconded. Motion carried.**

**Consideration of Western States Petroleum Association petition under NRS 233B.100 to repeal LCB file No. R002-04, amendment of gasoline standards found at NRS 590.065 relating to the 38<sup>th</sup> parallel.**

Director Don Henderson spoke to the Board about a joint recommendation on the petition. Director Henderson said that he has spent a considerable amount of time speaking with various individuals and as well as legal counsel on this issue. This is a joint recommendation from Director Henderson and John Sande, representative for Western States Petroleum Association (WSPA). The Director turned the meeting over to Mr. Sande for his comments.

Mr. Sande said that he filed a petition requesting that the amendment to NAC 590.065 (1) be reconsidered. Testimony was given at the last Board meeting in December in Las Vegas. Mr. Sande believes that affirmation of the petition was a very positive situation and will allow the Board to have good information. He said it will also allow us to go through the regular rule making procedures as outlined in the NRS so we can have at least one workshop and get all the experts together. Mr. Sande said this is the procedure he would like to follow and it is in compliance with NRS.

Director Henderson pointed out to the Board that this is a recommendation only; a gentlemen's agreement between the Director and Mr. Sande. It is a non-binding agreement on the Board of Agriculture in terms of their response to the WSPA petition.

Director Henderson commented that this body (the Board) and the department did follow the Nevada Administrative Procedures Act in adopting this regulation. Since the time that the Board adopted the regulation, with the information available to them at that time, additional information has surfaced. He said we need to let the technical people come to resolution and then come back to the Board. Technical issues have the potential to be discussed in the legislative and judicial arenas and this is not the place for these technical issues to be discussed. The Director said he strongly urges the Board to consider this recommendation. After the rule making process, the Board is only limited by the technical information presented.

Mr. Sande commented that when we had disputes, there was always the possibility of legislative or legal action and I think I can say this solves the problem as to any arguable procedural problems that may have occurred prior to this time. Mr. Sande said if we start again and go through the rule making process, it will eliminate those arguments. Mr. Sande requested a bill draft request at legislature regarding ASTM issues, but said because we are going through this process, he has instructed the involved legislator to withdraw the bill so it will not go before the legislature this session.

Chairman Romero agreed. Chairman Romero requested a short explanation of what is the bottom line to the whole issue. Why do we want to change it back? The real issue has not been forthcoming.

Mr. Sande responded that Nevada, in its long history in allowing the Board of Agriculture to adopt regulations concerning fuel standards for engines, has consistently looked at ASTM. Mr. Sande said looking at legislative history, you will see that you are required to look at the ASTM standards. The standards are all the way through regulations and statutes and must be considered when adopting rules and regulations.

Chairman Romero asked if there are problems with the fuel today.

Ellen Shapiro, Alliance of Automobile Manufacturers, responded to the question and said it was her understanding that we are not having problems with the existing ASTM standards.

Peter Krueger representing the Nevada Petroleum Marketers and Convenience Store Association (NPMCSA) spoke. He said they were the association who brought this proposal forward two years ago. He said the association is not going to oppose the Board's decision to go through the process and believes the Board made a sound decision the first time around.

Lawrence Waugh made the comment that this has taken up a lot of time. He said he had very good discussions with Mr. Sande and Mr. Krueger and others in the industry on this subject. Lawrence said throughout those discussions, I can see that we are at an impasse. He foresees a continuing battle unless we can get everyone associated with this issue in the same room, at the same table, consider facts, and sound science with the ultimate goal of what is best for Nevada. Unfortunately, I see the only way we can do this is to send it back to workshop, get everyone involved with all the information, hammer it out there, not in front of the Board, then come back to the Board with the final recommendation.

Dave Cassinelli commented that when we went through this procedure we didn't get all those minds in one room to make that decision. He said this is something we need to work harder on so we do these things one time. Mr. Cassinelli asked if the regulatory amendment was outside our scope of authority as presented by Mr. Sande's group.

Gina Session, Senior Deputy Attorney General, responded that the Board did not act outside its authority. During this period of time, the regulation you passed will remain in effect while this regulatory procedure goes forward.

**Deloyd Satterthwaite made a motion that the Board accepts the agreement signed by Don Henderson and Mr. Sande. Dave Cassinelli seconded the motion.**

Dave Cassinelli asked a question about line 12 in the Stipulation, "including, but not limited to, holding at least one workshop to solicit data". He said when we go to workshop, we have to send out notices and when it cannot be resolved in one workshop, are we going to continue workshop after workshop?

Vernon Miller, Senior Chemist, responded by saying usually we hold two workshops; one in the north and one in the south. We will continue with two workshops and will keep in contact with the issues and continue to hammer it out until we are done.

Marta Agee asked how the process works. Director Henderson explained that first the department has to choose a time and location to get all the parties together. The Director said he hopes to schedule the workshop very quickly after legislative session is over and will start the planning now. His hope and expectation is that both he and Mr. Waugh can both attend these hearings.

Marta Agee asked if the 38<sup>th</sup> parallel will be in place until it comes again before the Board. Director Henderson said yes, we have not been enforcing the new regulation because it has been contested. Vernon Miller added that the department will continue to follow new standards that are in place now. He said if you go to the website, you will see the new standards. Vernon advised that Clark County monitors air quality and will keep the department informed if there are changes.

Director Henderson asked Vernon if this motion is approved, did he plan on sending a letter to industry on where the department stands and Vernon responded he could do that. Jim Johnson suggested that industry should be notified. Vernon said he would notify industry about the workshops also.

**Motion carried.**

### **Election of Officers**

Chairman Benny Romero opened floor for nominations for chairman of State of Board of Agriculture. Lawrence Waugh placed Benny Romero's name for re-election for Board Chairman.

**Harvey Barnes moved that nominations cease. George Botta seconded the motion.**

Chairman Benny Romero called for a vote.

**All voted in favor.**

Chairman Benny Romero opened floor for nominations for vice-chairman. Harvey Barnes nominated George Botta for Vice-Chairman. Susan Ray nominated Deloyd Satterthwaite. Nominees left the meeting room and a vote was taken by a show of hands.

Deloyd Satterthwaite was voted new Vice-Chairman. Benny Romero congratulated Deloyd on his nomination and also thanked Board members for their support and his renomination as Chairman.

## **Special Report**

### **Overview & Update on the Agriculture Enforcement Unit (Jim Connelley)**

Administrator Jim Connelly gave a power point presentation about the Enforcement Unit. Jim said before we can understand enforcement we need to know what we are enforcing and where it comes from. Agricultural Enforcement is under the Division of Plant Industry and is a generally funded program.

The presentation was informative and illustrated the varied responsibilities associated with enforcement unit including plant quarantines, pathology, pests, entomology, invasive species/noxious weeds, nursery licensing and inspection, and pesticide enforcement.

Mr. Connelley said that Livestock ID registers all the brands in the State and of which there are approximately 4,500. Livestock ID licenses all livestock and farm product buyers, dealers, brokers, commission merchants and auctions through the Elko office. Jim explained that Agriculture and Homeland Security is becoming an issue. The focus shifted when Tom Ridge, Secretary of the Department of Homeland Security said “agriculture and the nation’s food supply is the number 1 priority of Homeland Security”.

Mr. Connelley said the field agents and inspectors of the Department of Agriculture have the powers of a peace officer to make investigations, arrests, and execute warrants of search and seizure. Each officer must maintain his POST certificate maintaining a minimum of 24 hours of in-service training and retain qualifications in defense tactics and firearms.

The presentation was a comprehensive overview of the Enforcement Unit and was well received by Board members and the audience.

### **Overview and update on recent reports concerning the management and operation of the UNR Main Station in Reno.**

Dean David Thawley, UNR College of Agriculture, began with comments about recent events involving the UNR Main Station in Reno. He said the University manages approximately a quarter of a million acres on seven facilities. He said that during the last five years, we have had incidents that were unfortunate, but they are things that happen in an operation and procedures had been adjusted to resolve these elapses.

Dr. Thawley reported the first of those incidents was the change of management on S Bar S Ranch. The S Bar S Ranch began to decline after the '97 flood. It was covered in White Top weed, the irrigation system was damaged, and then came the dry years of 2000-2001. He said the manager was extremely late in advising the Department that he was running out of feed and ended up about a 70% calving year, which means we probably lost 20% to 25% of the normal calving rate.

Dr. Thawley said it was extremely disappointed the way this situation was reported in the public press two and a half years later. One of the incidents involved the UNR Main Station where there are about 1,500 sheep in total. It was a long weekend and a gate shut behind sheep in a corral area. The sheep were in late pregnancy and they developed toxemia and 38 died of salt poisoning. He said another incident involved miniature pigs that were brought to one of the college facilities in May, 2004. He said a faculty member decided the pigs were not getting watered sufficiently and not in good condition. He said rather than approaching the college administrator, this faculty member chose to go around the University and made a complaint of animal abuse. The faculty member filed a complaint with the USDA and the American Society for the Prevention of Cruelty to Animals. The USDA has investigated the complaint of animal abuse as well as the faculty member's claim of retaliation.

Dr. Thawley said animals are buried in disposal pits that have been dug out with a backhoe. He said that in any given quarter, they probably have 50 dead sheep, mostly coyote kills and they are buried there.

Deloyd Satterthwaite wanted to know if the disgruntled employee had lawsuits pending and Dr. Thawley's answer was yes, but he could not discuss pending personnel issues.

Harvey Barnes questioned what action was to be taken by the Board. Director Henderson said the Board has no purview regarding action on this issue. The Director said the Department's position is that a change is not needed in the statutes governing livestock carcass disposal as there was not a public health issue.

**Review of request by Fred Fulstone, Jr. for board support against regulatory actions taken against the grazing of domestic sheep in Sierra Bighorn habitats.**

Floyd Rathbun introduced himself as an employee of Fred Fulstone, Jr., a fifth generation sheep rancher in Smith Valley. Mr. Rathbun said the ranch has an Endangered Species Act problem dealing with Bighorn sheep. Mr. Rathbun said the Sierra Nevada Bighorn sheep have been listed as an endangered species under a section of the Endangered Species Act that allowed them to list a common species in an isolated location (called a distinct population segment).

Mr. Rathbun further stated there are long standing reports of disease transmission from domestic sheep to bighorn sheep. The Fulstones are interested in trying to work through some cooperative understanding and come to a resolution on this issue. A request for a letter of support was presented.

Dr. Rink said the letter to Mr. Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest had been revised. Dr. Rink advised the Chairman Romero the revised letter is more appropriate. Dr. Rink stated the original letter contained language that was controversial and statements in the letter are not supported scientifically.

**Harvey Barnes made a motion to accept the revised letter presented by Dr. Rink. Deloyd Satterthwaite seconded the motion. Motion carried.**

**Consideration/Approval of Board letter to Gale Norton, Secretary of Interior urging agency action to improve management of wild horses in Nevada.**

Gary McCuin directed the Board's attention to two letters in the agenda packet: (1) dated January 10, 2005 addressed to Governor Guinn; (2) dated March 18, 2005 addressed to Gale Norton, Secretary of the Interior.

Gary McCuin said this is an issue of natural resource protection. The amendment that Senator Burns attached to an appropriations rider is not a slaughter bill, but an additional tool given to the Department of Interior to manage wild horses. It does not call for slaughter; it calls for sale of horses that are not adoptable. The Department of Wildlife has written a similar letter to the Secretary of the Department of Interior. If Appropriate Management Level (AML) for wild horses is not achieved, the consequences would be severe to the livestock industry in the state.

**Deloyd Satterthwaite made a motion to accept the letter addressed to Gale Norton, Department of Interior. Dave Cassinelli seconded the motion. Motion passed.**

**Presentation by Nevada Conservation Commission for board support on issues relating to Nevada Department of Wildlife programs governing depredation by state wildlife.**

James Settelmeyer, Chairman, Nevada State Conservation Commission, was scheduled to present. He was not in attendance.

Director Henderson explained the issue relates to a resolution that has been passed by the Lincoln County Conservation District concerning the Nevada Department of Wildlife's depredation compensation and reimbursement program.

The Board moved to the next item as there was no representation by the Nevada State Conservation Commission.

## **DIRECTOR'S REPORT**

### **A. Update on Department Activities**

Director Henderson said that on December 16, 2004, he offered Ron Turner the position of Administrator for Plant Industry. In the interview process, he was the top candidate and well qualified. He was slow responding to the Director regarding the offer, but did say in January that he would take the position. The expectation was for Mr. Turner to report to the department in February or March. On Wednesday, March 16, Mr. Turner advised the Director he was withdrawing from the position and that he could not commit to starting the position prior to June 1.

The Director appointed John O'Brien as Administrator for Plant Industry. Director Henderson commented that John is a company man and always ready to advance the Department. The Board expressed their approval of John O'Brien's appointment.

The Director brought Board's attention to letters in the packet letters to Robert Vaught, U. S. Forest Service, and Robert Abbey, USDI Bureau of Land Management written by Peter Anderson, State Forester Firewarden, Division of Forestry.

The letter states that because of above average precipitation this year, the Division of Forestry is expecting a bumper crop of fine fuels. Director Henderson explained that situation will ultimately create serious fire hazards in and around our communities. These letters posed the question on how livestock could be used in reducing this hazard. Mr. Vaught's response to the letter was positive. Gary McCuin is working directly with the State Forester, Peter Anderson, putting together a program for sheep grazing around the west side of Reno and the town of Austin.

Director Henderson said the department runs a certified USDA mediation program. When a customer with the USDA is issued an adverse decision, they have the right under law to appeal that decision administratively and to request mediation if there is a certified state mediation program. There is such a program in Nevada. Director Henderson said most of the mediation that is done deals with Forest Service grazing decisions. The Forest Service adopted new regulations about 5-6 years ago which did a number of things including restricting access to this program and issues that could be mitigated. The department presented testimony at that time, but the Forest Service continued and adopted these regulations.

One of the changes in the adopted regulations restricts mediation specifically to the Forest Service, the permittee, permittee's lawyers or creditor. This restriction eliminates neighbors, family and consultants who may be working for the rancher. Until recently, the Forest Service in Nevada has not enforced the regulations on our program until this year. The Director said this letter requests the Forest Service revisit that regulation.

Board member Jim Johnson attended the Nevada Landscape Association Trade Show held Reno. The department also participated in that show with a booth that was set up and maintained by Peggy McKie and Dawn Rafferty. The department and the Division of Plant Industry continue to strive to provide education and outreach.

Director Henderson directed the Board's attention to the packet folder showcasing the Nevada Department of Agriculture's new website. The department's website recently underwent a major overhaul. The Director went on to explain that the department pays an annual assessment to the Department of Information Technology (DOIT). We have not fully utilized DOIT's services in the past. Wanda Cox worked with Linda DeSantis, the State's webmaster, and completely reorganized the website. In the new updated format, information can be downloaded much quicker from dial-up connections. The vast amount of information on our website has now become much easier to access.



The Director advised the Board that there will be a webpage for the Board of Agriculture. The Director said he would like a digital photo of each board member and a short biography for the web page. The Director proposed that at the next board meeting, Wanda Cox attend the meeting with her laptop, demonstrate the website, and at the same time get photographs of the Board members.

## **B. Update and review status of legislation supported by/or potentially affecting the Department of Agriculture.**

AB 32 – Makes business or proprietary information collected by the department confidential. Bill is moving forward. The Farm Bureau and the Cattlemen’s Association came out and spoke favorably about this bill. The Nevada Press Association did not. The bill has passed out of subcommittee and will be considered by the Assembly Natural Resource Committee. Director Henderson expects this bill to pass out of committee.

BDR 273 – This is a slight adjustment on the Medical Marijuana program. The department does not have the statutory authority to revoke a person’s license when current. We can only deny a reapplication. If we find someone does not meet the criteria, this bill gives the department authority to revoke their license at that time.

BDR 648 – Prohibits entry of live wildlife species known to carry Chronic Wasting Disease into the State including elk and deer. The bill was introduced this morning.

BDR 658 – Adds alternative fuels to existing list of fuels already regulated and tested by the department. Gives authority for civil penalties and fines to gain compliance. This bill has not come out of the Legislative Counsel Bureau.

AB 105 – This is a budget/money bill. The governor enhanced our budget for acquisition/replacement of equipment for the Division of Weights and Measures. The amount associated with this bill approaches \$300,000.

The Director discussed other “bills of interest” with the Board.

## **DIVISION OF ADMINISTRATION**

### **Legislative Audit Update**

Rick Gimlin reported that the audit is starting to wind down. LCB auditors say they are nearing the end of their testing phase. Rick said he won’t see an audit report until the middle of summer or fall.

### **2005-2007 Budget Update**

Rick said the department gave their high level overview on February 2, 2005 and was well received. On March 11, 2005, the department gave an in-depth hearing in front of

the subcommittee. Another hearing was done on March 17; it was primarily about our cost allocation plan. Two sessions ago, the department split off the administrative account and measurement standard account. As a result of splitting off the Administrative Account, the department had to allocate the administrative costs across our fee based programs and general fund programs. The department went to a full time equivalents (FTEs) based allocation schedule and our Executive Budget. As a result, the general fund contributions went up. It appears to be an acceptable alternative.

AB 105 – Weights and Measures equipment. The department has not testified on that bill. Rick said he thought the bill would come back up on March 25. Weights and Measures is also funded for a technology request. This is to overhaul the management information systems for tracking devices, inspectors, and to allow the system to interface with the state's accounting system. That appropriation is about \$246,000 and the department has not testified on that.

BDR – 648 Chronic Wasting Disease.

We have written three fiscal notes on this. With the assistance of Dr. Thain, we determined there would be no fiscal impact.

SB – 63 Requires every owner of cattle to design, adopt and record brand for his cattle.

Jim Connelley assisted Rick with fiscal note. Fiscal impact will be fairly small; less than \$4,000.00 per year.

AB 181 – Cash buyers

That would result in a net loss of revenue to the Livestock Inspection account of \$1,400.00 annually.

Director Henderson advised the Board that both the relocation of the Elko field office and going to design for our state headquarters, next to the Division of Measurement Standards in Sparks, were included in the Governor's budget. A newly constructed building that was for sale in Elko was found and would fit the department's needs with some renovations. It has the potential to save \$2 million. Director Henderson said we can get into the building and retro fit it for about \$2 million. The legislature liked the idea as well as the Governor. The Director said he thinks the department will have a purchase agreement that will be contingent upon the legislature approving the capitol improvement project. If they do not approve, we will lose \$30,000 in contingency money.

### **Transfer of funds to Wildlife Services**

Rick Gimlin prepared a report for Deloyd Satterthwaite for the Wool Growers meeting in November, 2004. Rick requested approval to transfer \$12,337.63 to the Predatory and Rodent Committee.

**Deloyd Satterthwaite made a motion to transfer \$12, 337.63 to the PARC fund which is under the direction of Wildlife Services. Harvey Barnes seconded the motion. Motion carried.**

### **Division of Livestock Identification**

#### **Program Update**

Following the previous presentation, Jim Connelley advised that the Brands program is moving along. Next big issue is going to be the collection of head tax which will start in May.

### **Division of Measurement Standards**

**Review of licensing fees and how they affect the livestock and petroleum industries. The direction the board wished to pursue and any changes to NAC 581 and if the Division should go to workshop and hearing.**

Steve Grabski advised this item comes from last Board meeting. Members were concerned about the fees for livestock scales and scales for large rack meters. Steve said the last time fees were changed and became effective was July 1, 2000. Steve said he and Ed Hoganson had worked on trying to align the fee schedule relative to how much labor and equipment costs were involved. It was approximately \$40.00 per hour. In 2000, Steve said they made that adjustment. The 2003 legislative session approved changing the department's testing fee to a licensing fee.

Livestock scales – on July 1, 2000, under a testing fee, the scales were tested and a fee was assessed every other year. When it became the *annual license*, without changing the fee dollars, we began charging the livestock industry \$100.00 every year for each scale.

Harvey Barnes told the Board about phone calls he has received regarding this issue. Callers were complaining this doubled their fees annually. Harvey Barnes said basically it would have been a \$50.00 license fee for two years instead of the \$100.00 inspection fee every two years. Harvey said it's a license fee of \$100.00 every year which doubles the fee all at once. Marta Agee also received calls complaining about the inspection fee being called a license fee. Marta said a license implies you have to have permission from the state to have a scale and you do not.

Harvey Barnes said it would be a good idea to go back to workshop if we are going to double fees. Deloyd Satterthwaite asked Steve about the fee always being on the books, but not implemented for a short period of time and then implemented without anyone knowing the increase was coming. Deloyd asked Steve was that correct? Steve Grabski replied that is somewhat correct; the legislature did their postings, but the department computer program wasn't ready to do the billing. Steve said the second year; the program was still running late. For many licensed device users, the letter that was sent out in September, 2004 explaining the license process, was the licensed device users first

notification. Steve explained the costs involved running the program, i. e., staff, equipment used on inspections and mileage is a break-even situation.

Harvey Barnes suggested a letter be sent to all livestock scale owners explaining costs and the reason we went to a license fee vs. inspection fee. Marta Agee wanted other points included in the letter that are a concern to the people who have taken the time to call her. It was suggested by George Botta to charge \$200.00 every other year and call it an inspection fee. Steve Grabski said we would have to go to legislature to change because legislature made it an annual license fee.

**Harvey Barnes made a motion to leave exactly as it is now. Deloyd Satterthwaite seconded the motion. Motion carried.**

### **Division of Plant Industry**

**Request permission to move forward with amendment to NAC 555.010, changing the noxious weed list to a tiered system.**

Dawn Rafferty requested permission from the Board to move forward with the amendment to NAC 555.010, to change the noxious weed list to a tiered system. Chairman Romero asked Dawn to give a brief explanation of the tiered system to the Board. Dawn said as it stands now, the noxious list is one wherein all plants carry the same the same rating and weight. Dawn continued to say that the intent is to split the list into tiers to help the department in terms of judging where the department wants to put resources as they become available or do any kind of regulatory action. So the list is split into categories; for instance Category A would be plants not present in Nevada, or in such small quantities that the department would like to put resources to those immediately all the way down to Category C which are noxious plants that are so widespread throughout the state that the we will never get rid of all of them and if we have the ability to take regulatory action, they would be at the bottom of the list.

**George Botta made the motion that we move forward with the amendment to NAC 555.010. Harvey Barnes seconded the motion. Motion carried.**

### **Introduction of Gary Cross**

John O'Brien introduced Gary Cross, new Seed Analyst, to the Board members. John said that Gary came from Extension in Kansas, worked with seed certification programs in the seed industry. Gary has extensive experience in the seed industry.

### **Seed Laboratory Report**

Gary reported that he and John O'Brien are in the process of hiring a seed analyst. Gary explained seed analysts are people who work in labs and do germinations, searches for noxious weeds, provide a service in all states that relate to whether they are going to be

certified in seed or not. These are highly specialized people; this will be a difficult search process. We are on a grant for this position and it goes out in 2006.

### **Reappointment of Jim List and Mike Phillips to the Alfalfa Seed Advisory Board**

The Alfalfa Seed Advisory Board meeting of January 20, 2005 asked to have Jim List and Mike Phillips reappointed to the Alfalfa Seed Advisory Board.

**Deloyd Satterthwaite made a motion to reappoint Jim List and Mike Phillips to the Alfalfa Seed Advisory Board. Harvey Barnes seconded the motion. Motion carried.**

### **Approval of \$100.00 membership to Council for Agriculture Science and Technology.**

Gary asked for the Board's approval for a \$100.00 membership to the Council for Agriculture Science and Technology for the Alfalfa Seed Advisory Board.

**Harvey Barnes made a motion to approve a \$100.00 membership to Council for Agricultural Science and Technology. Deloyd Satterthwaite seconded the motion. Motion carried.**

### **Mormon Cricket update**

John O'Brien said they have been hoping that the weather would have some effect, but so far it hasn't. For the last 10 days, we have seen Mormon Crickets out in Winnemucca, Battle Mountain, Eureka, Austin. We are planning aerial sprays again of Dimalin, a growth inhibitor. That is being planned for the first week in April.

### **Restricted fertilizer update**

Chris Mason gave update regarding action taken by Board in December meeting. The program is underway; there are nine registrants. The industry is cooperating, pleased to do whatever they can. Chris handed out a draft from industry of a bill to Congress which authorizes the Secretary of Homeland Security to regulate ammonium nitrate. It has not been presented yet. This is closely modeled on what the two states North and South Carolina have done with one major exception; they want to permit the users of ammonium nitrate as well as the sellers. Chris said he will keep the Board informed.

### **EPA Quarterly Report**

John O'Brien said Chuck Moses is in Las Vegas currently and would like to introduce Ed Foster. Ed Foster works in the EPA section and in addition works as the Public Information Officer for the department.

The advertisement in the Las Vegas airport about Agriculture in Nevada showcases a cow with red headdress. This advertisement won the Golden Addey award which is a

prestigious award given by the advertising industry and the advertisement could go on to national recognition.

Ed Foster gave a brief overview of Chuck Moses EPA/NDOA 1<sup>st</sup> quarter report to the Board. He mentioned the Western States Pesticide meeting in Las Vegas on May 9, 2005. The Interventive Pest Management (IPM) program with schools in Clark and Washoe Counties was started last year and has taken great strides.

Ed advised the department has a new contract for pesticide container recycling with Western Ag Plastics for 2005. Collection sites in Oravada, Winnemucca, and Fallon.

Jon Carpenter continues to do ground water sampling this year. Southern Nevada, Yerington, Gardnerville, Lovelock and Reno were done during the first quarter.

The WPS Coordinator position has become vacant. Steve Marti formerly held the position, but now works for Jeff Knight.

SITC Grant - Smuggling Intervention Trade Compliance. We were funded again this year. Grant is approximately \$25,000 to \$30,000.

George Botta asked John O'Brien how the phone system and back parking lot pavement was coming along. John reported that the department has received bids on both; about \$20,000 for the parking lot and \$13,000 to \$15,000 for phones. Rick Gimlin and Doug Perry are looking at the salary savings in Plant Industry due to vacant positions. John advised that the department has some excess registration money in pest control and nursery licensing.

## **Division of Animal Industry**

### **A. Animal disease update**

Dr. Thain began his power point presentation- handouts were given to the Board.

1. Bovine Tuberculosis – California will be applying for free status the 1<sup>st</sup> of April. It will take approximately 3 – 5 months to get the free status. Nebraska did find a positive beef cow. It was 14 year old beef cow that had been on two ranches/operations. They have gone through and tested both operations and taken all the positive responders from the TB test and taken them to slaughter. There were no obvious TB lesions in any animals. Tests are ongoing. Not clear on how or where the cow got the disease.

Current active investigations going on in the United States: Nebraska because it involves beef cattle.

Mexico: We have continued concerns with feed cattle coming in from Mexico. These are the latest cases for FY '05. The power point illustrated where the cattle have been from '03 to '05. We have a big issue with Mexican states kicking out 2 – 10 cases per

10,000 of animals. There is a review process going on now that will change how these states will be allowed to come in if there is not adequate testing. We have really pushed the USDA to follow through with this. Most of these cattle are headed for Texas, Oklahoma, and central California for feeding purposes.

2. West Nile Virus - Dr. Thain stated not much has happened since his last report in December. We had good news this morning. The Division of Health called and advised Dr. Thain they had end-of-year money that had to be expended by the end of March for the purchase of equipment. The department got \$48,000 for a MX 4000 real time PCR machine. It is state-of-the art equipment and can diagnose West Nile in about four hours.

Dr. Thain continued that it looks like the department will get funding which will be approximately \$190,000.00 for next year which will start April 1 for this year's surveillance.

3. BSE - Canadian Import Rule - National surveillance numbers are over 270,000; all negative to date. Nevada has over 500 negative samples.

Dr. Thain discussed the Canadian BSE rule – the R-CALF lawsuit where the judge in Billings, MT granted an injunction for implementation of the BSE rule for allowing importation of Canadian cattle. The American Meat Institute went to the Ninth Circuit Court of Appeals in San Francisco to ask them to review it and repeal. USDA has not become involved yet.

Dr. Thain advised the Nevada Attorney General's office went in as a friend of the Court in support of the R-CALF lawsuit in Billings. The rule is based on science. There will be very little risk associated with importing both the boxed beef and the feeder cattle either directly to slaughter or through the feed lot process. The biggest problem with the way the rule was written is that the economic analysis was poorly written. Dr. Thain said that the problem with what the R-CALF people are saying is that it's pseudo science and that is fine as long as we don't have BSE. He continued to say if the courts buy into this pseudo science and support this lawsuit and we ever get a native case of BSE, it will come back to haunt us.

4. Wyoming – Greater Yellowstone Area Brucellosis - Dr. Thain continued with his power point presentation illustrating the state of Wyoming. Dr. Thain discussed lab results across the state of Wyoming. The single case in Campbell was in all likelihood a laboratory error. The other areas were legitimate Brucellosis finds.

Dr. Thain continued with the next slide and discussed the Greater Yellowstone Area where there are bison on federal ground; Elk on Grant Teton National Park and Yellowstone National Park. Wyoming has a task force that was set up by their Governor. The Game and Fish have made a commitment to develop a plan for a state feed ground and to promote research. They also have a pilot project for testing and removal of seropositive on one of their feed grounds.

5. Scrapie - Dr. Thain advised that Dr. Forbes is doing a great job on outreach and education. Dr. Forbes, working with area practitioners, and is starting to make in-roads. Premise registration has grant funds and we are moving forward. We now have on-line registration. One of the slides in the power point demonstrated what the on-line registration looks like. Dr. Thain said one of the problems is how well it integrates with the National Postal Database and will continue to measure that.

6. Trichomonosis – Dr. Thain advised that issues have surfaced. We’ve come up with infected premises here in Nevada. The Nevada Cattlemen have put together a group that Dr. Thain will be working with to come up with a game plan to implement when there is a positive operation. Dr. Thain said we are going to work with adjacent producers around to test the infected premises.

### **Nevada Bighorn Sheep**

Dr. Rink deviated from the program outlined in the agenda. She wanted to summarize and present information to the Board that was discussed at the Sierra Nevada Bighorn Sheep Scientific and Technical Roundtable Discussion on February 28 hosted by the Forest Service and the University of Nevada – Reno that she attended. The morning session was devoted to disease transmission between Bighorn Sheep, livestock and wildlife and the afternoon session was specifically about genetic issues of Bighorn Sheep.

Dr. Rink summarized topics that were discussed at the round table during her power point presentation and gave each Board member a handout.

Chairman Romero commended both Dr. Thain and Dr. Rink for their information and research.

### **Division of Resource Protection**

#### **Program Update**

Mark Jensen, Administrator for the Division of Resource Protection and also the State Director for the USDA, APHIS Wildlife Services Program reported that this is a joint program that combines resources from the State and from the USDA. The mission is to help people who are having problems with wildlife.

Mr. Jensen gave each member of the Board a handout that gave a brief overview of the work that has been done and funding sources.

### **Public Comments**

Susan Ray requested the Board make Employee of the Quarter a regular item on the Agenda and moved to the beginning of the meeting.



Mike George was chosen as Employee of the Quarter. His nomination came from Mark Olson who wrote the following about Mike: "I'd like to submit Mike George's name for the quarterly award. Mike has been with the department for a long time. He has been an outstanding employee over all of his years of service to Weights and Measures department. He worked hard for the public without complaint. His smiling face is always welcome, not only from the public, but from his fellow employees. His dedication to his job is an inspiration to us all whose reliability and knowledge is an invaluable asset to the department. He would make a fine recipient of this award".

### Next Meeting

June 23, 2005 in Reno at Mark Jensen's office on Technology Way.

**Harvey Barnes made a motion to adjourn meeting. Deloyd Satterthwaite seconded motion. Motion carried.**

These proceedings were recorded. Anyone wishing to listen to them in their entirety should contact the Department of Agriculture, 350 Capitol Hill Avenue, Reno, Nevada.

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Don Henderson, Director

### Staff in Attendance

Don Henderson  
Tisa Whitcomb  
Doug Perry  
Dr. Dan Crowell  
Vernon Miller  
Jim Connelley  
Dr. David Thain  
Dr. Anette Rink  
Gary McCuin  
Dawn Rafferty  
Rick Gimlin  
Steve Grabski  
John O'Brien  
Gary Cross  
Chris Mason  
Ed Foster  
Sandie Foley  
George Dorsa  
Jean Osborne

### Guests

John Sande, Jones Vargas  
Ellen Shapiro, Alliance of Automotive Mfgs.  
Peter Krueger, Nevada Petroleum Marketeers  
Dr. David Thawley, Dean, College of Agriculture  
Floyd Rathbun, Range Management Consultant  
Nancy Brown, Jones Vargas  
Mark Jensen, USDA-APHIS-Wildlife Services  
Molly Hunsaker, Nevada FFA Association  
Jessie Vipham, Nevada FFA Association  
David Patterson, Mitsubishi Motors R & D  
Dr. Rang Navayanan, UNR  
Ed Hoganson, Retired NDA  
Doug Busselman, Nevada Farm Bureau  
Ashlee Hachquet, Nevada FFA Association  
Dennis Hellwinkel, Nevada Farm Bureau